

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 09-44034

FRANK WESLEY STACY, and  
LESA MARIE STACY,

Chapter 13

Judge Thomas J. Tucker

Debtors.

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**AMENDED MEMORANDUM REGARDING CONFIRMATION  
OF DEBTORS' PROPOSED CHAPTER 13 PLAN<sup>1</sup>**

This case came before the Court for hearing on August 6, 2009 on confirmation of Debtors' Chapter 13 Plan. Confirming action taken by the Court at the hearing, and for the reasons stated by the Court on the record at the hearing, the Court entered an Order on August 13, 2009 (Docket # 59) requiring Debtors to file "an analysis supporting their eligibility to be Chapter 13 debtors under 11 U.S.C. § 109(e), which deals with both claims listed in Schedule F and the proofs of claim actually filed." The Order also allowed the Chapter 13 Trustee and Diane Delekta, on behalf of Diane H. Delekta P.C. and/or Edward and Mary Henry, to file their analyses, if they wished, regarding Debtors' eligibility to be Chapter 13 debtors under § 109(e).

Debtors timely filed their § 109(e) analysis on August 20, 2009 (Docket # 62). The Trustee did not file any such analysis. Diane Deletka, etc. filed an analysis on August 19, 2009 (Docket # 60).<sup>2</sup> The Court has reviewed the § 109(e) analyses filed by Debtors and by Diane Deletka, etc., and is satisfied that Debtors are indeed eligible to be Debtors under Chapter 13.

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<sup>1</sup> This Amended Memorandum supercedes the Court's Memorandum filed on August 24, 2009 (Docket # 64).

<sup>2</sup> The Court initially overlooked Diane Deletka's analysis because it was improperly labeled on the docket (by counsel when she filed it) as a Reply to Debtors' pending claim objection (Docket # 52).

In this regard, the Court notes that the following material errors appear in Diane Deletka's analysis: (1) the claim of First Consumer Credit for \$4,100.00 must be deleted from the list of unsecured claims; this creditor filed a proof of claim stating that its claim is a secured claim, and no one has challenged that classification, by claim objection or otherwise; (2) the claim of the State of Michigan for \$1,518.00 must be added to Deletka's list of unsecured claims; this claim is listed in Debtors' analysis but omitted from Deletka's analysis. After making these adjustments to Deletka's list of unsecured claims, the total of unsecured claims on Deletka's list is \$335,000.87, which is below the § 109(e) limit of \$336,900.00.

Based on the foregoing, and based on the Debtors' § 109(e) analysis, the Court concludes that no further hearing on confirmation is necessary, and that consistent with the Court's rulings at the August 6, 2009 hearing, Debtors' plan may be confirmed.

**Signed on August 25, 2009**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**